THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.25631 of 2007

Dated : 03-12-2007

Between :

M.P. Saradhi

... Petitioner/s

And

The Government of A.P.,
Rep.by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and 2 others.

...Respondent/s

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ORAL ORDER : (per the Hon'ble Sri Justice D.S.R. Varma)

Heard learned counsel for the petitioner and the learned Government Pleader for Services-II, appearing for the respondents.

2. This Writ of Certiorari is filed seeking to quash the order of the A.P. Administrative Tribunal, Hyderabad (for brevity 'the Tribunal'), passed in O.A.No.4511 of 2003, dated 10-08-2007, whereunder and whereby the orders of compulsory retirement passed by the third respondent in proceedings No.3/PR/99, dated

12-02-2002, as confirmed by the second and first respondents in proceedings No.378/Appeal-2/2002, dated 04-05-2002, and Memo No.36518/Ser.2/A2/2002.1, dated 08-11-2002, respectively, was confirmed by the Tribunal.

3. The petitioner was initially appointed as Police Constable in the year 1968 in the City Armed Reserved and subsequently promoted as Head Constable in the year 1984. It appears, while working as Head Constable, the petitioner was placed under suspension on certain irregularities and a departmental enquiry had been initiated against him in which he was found guilty of the charges levelled against him. Consequent upon the submission of report by the enquiry officer and the explanation thereto by the petitioner, the third respondent herein, who is the disciplinary authority, by proceedings, dated 12-02-2002, passed orders against the petitioner, imposing the punishment of compulsory retirement from service. The petitioner challenged the same by way of appeal before the second respondent, and revision before the first respondent, who also rejected the case of the petitioner, by proceedings dated 04-05-2002 and 08-11-2002, respectively, thereby confirming the orders of compulsory retirement passed by the third respondent. Aggrieved by the same, the petitioner approached the Tribunal by way of filing O.A.No.4511 of 2003. The Tribunal also, having gone into the merits of the case, dismissed the O.A., confirming the orders of compulsory retirement of the petitioner from service. Hence the present writ petition.

4. From the above, it is obvious that in all the three stages, all the authorities i.e., the disciplinary authority, appellate authority and the revisional authority, found the petitioner guilty of the charges levelled against him and accordingly confirmed the orders passed by the disciplinary authority. The Tribunal also, having gone into the merits of the case, dismissed the O.A., thereby

confirming the punishment of compulsory retirement of the petitioner from service. This Court cannot delve into the merits of the case any further, nor can interfere with the quantum of punishment imposed by the respondents, nor there is any disproportionality of punishment awarded against the petitioner.

5. There is no apparent illegality or irregularity in the impugned orders passed by the Tribunal as well as the respondents, warranting interference by this Court.

6. For the foregoing, there are no merits in the writ petition and the same is liable to be dismissed.

7. In the result, the writ petition is dismissed, at the stage of admission. There shall be no order as to costs.

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JUSTICE D.S.R. VARMA

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JUSTICE K.C. BHANU

03-12-2007
Msr

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